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OFFICE OF PETITIONS

In re Application of
Alice Mary O'Donnell-Kiely
Application No. 09/641,410
Filed: August 18, 2000
Attorney Docket No.:

ON PETITION


This is a decision on the petitions filed December 16, 2010, December 29, 2010, and December 30, 2010, under 37 CFR 1.181(a)(3) requesting that the Director exercise his supervisory authority and overturn the decision of the Director, Technology Center 1700 (Technology Center Director), dated November 16, 2010, which refused to withdraw the final Office action of July 29, 2010 and the Notice of Abandonment of February 3, 2010.

Petitioner is reminded that 37 CFR 1.181(f) states:

[t]he mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable. [Emphasis added].

As correctly noted by the Technology Center Director, the filing of an amendment after final rejection does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Therefore, a Notice of Abandonment was mailed February 3, 2010. As the application is now abandoned, the petition to overturn the decision of the Technology Center Director is **DISMISSED** as moot.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is positioned above the printed name.

Anthony Knight
Director
Office of Petitions